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## COURTROOM MINUTES

United States District Court  
Southern District of Texas  
FILED

JAN 15 2004

Michael N. Milby  
Clerk of Court

Felix Recio, Judge Presiding  
Southern District of Texas, Brownsville Division

Clerk: M Garcia  
ERO: D Ahumada  
Law Clerk: M Knicley  
CSO: Harolson

Date: January 15, 2004 at 2:00 p.m.

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### CV NO. B-02-154 (HGT)

LUIS ALEJADRO GARZA \* B BENTON

vs

UNITED STATES OF AMERICA \* N MASSO

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### HEARING ON MOTION TO DISMISS

Benton present for Mr Garza;  
N Masso present for the Government;

The Court addresses counsel stating the motion to dismiss and responses have been reviewed;

N Masso touches on the facts of the case;  
Counsel argues its motion to dismiss, addresses the exception of the Federal Tort Claims Act and identifies the general policy to oversee the prison facility's safety and security;

B Benton addresses the Court and responds to the Government's arguments;

The Court understands the issues and will withhold making a ruling on petitioner's motion to compel;  
The Court will prepare a Report and Recommendation to Judge Tagle on the matter of the motion to dismiss;

Court adjourned 2:45 p.m.